THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.16093 OF 2006

Dated:03-08-2006

Between:

Guttala Narasimha Reddy Petitioner

And

The State Election Commission, rep. by its Commissioner, Secunderabad and others.

Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.16093 of 2006

ORDER:

1. The writ petition is filed for a Writ of Mandamus declaring the

action of the respondents in not taking action on the petitioner's representations dated 29-07-2006 and 30-07-2006 for recounting of votes as arbitrary, illegal, unjust and unconstitutional being violation of Articles 14 and 21 of Constitution of India and consequently set-aside the declaration declaring the 4th respondent as Sarpanch, Ponnala Gram Panchayat, Shameerpet Mandal, Ranga Reddy District and pass such other suitable orders.

2. It is stated that the petitioner contested as Sarpanch. Elections were held on 29-06-2006. Some bundles of votes casted in favour of the petitioner were counted in favour of the 4th respondent. It is also stated that the petitioner submitted a detailed complaint relating to irregularities committed and requested for recounting but no action was taken.

3. A counter affidavit is filed by Respondent No.3 denying the allegations. Several factual details had been narrated by both the petitioner in the affidavit filed in support of the writ petition and also the 3rd respondent in the counter affidavit filed. This court is not inclined to go into the factual controversy. No doubt there is a serious controversy between the parties relating to the aspect of petitioner taking stand that in fact, for recounting a request was made in accordance with law within time as specified by the Rules and on the contrary the third respondent taken contrary stand. It is needless to say that these factual aspects cannot be gone into at this stage by the writ court. The petitioner is having a remedy by way of election petition.

4, With the above observation , the writ petition is disposed of. No order as to costs.

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03-08-2006

Note:
C.C. in three days

Bo.
Stp